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REMARKS

Claims 1-24 were pending. Of these, claims 1-9, 23 and 24 were rejected and claims 10-22 were objected to as being dependent upon a rejected base claim. The applicants have amended claims 1, 10, 13, 16, 17, 21, 23 and 24 and added new claims 25-28. The applicants request further consideration and re-examination in view of the amendments above and remarks set forth below.

Claim Objections:

Claims 16 and 17 are objected to as being dependent upon claim 10, whereas, the office action indicates that claims 16 and 17 should depend from claim 15.

Claims 16 and 17 are amended to depend from claim 15. In addition, claim 20 is amended to depend from claim 15.

Amendments to the Specification:

The specification is amended at pages 2, 4, 6 and 7 to correct minor typographical errors. No new matter has been entered.

Allowable Subject Matter:

Claims 10-22 were objected to as being dependent upon a rejected base claim but are indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 10 is rewritten in independent form, including all of the limitations of claims 1 and 3 from which claim 10 depended. Accordingly, claim 10 is allowable. Claims 11 and 12 are allowable as being dependent from an allowable base claim 10. Claim 13 is rewritten in independent form, including all of the limitations of claims 1 and 3 from which claim 10 depended. Accordingly, claim 13 is allowable. Claims 14-22 are allowable as being dependent from an allowable base claim 13.

Rejections under 35 U.S.C. § 112:

Claims 16 and 17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite on the grounds that there is insufficient antecedent basis in the claims for the limitation: "the unverified transactions."

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As mentioned above, claims 16 and 17 now depend from claim 15. Claim 15 provides sufficient antecedent basis for "the unverified transactions" by its recitation of "unverified transactions."

Rejections under 35 U.S.C. § 103:

Claims 1-9, 23 and 24 are rejected under 35 U.S.C. § 103 in view of U.S. Patent No. 5,915,022 to Robinson et al. (hereinafter "Robinson") in combination with U.S. Patent No. 6,535,997 to Janson et al (hereinafter "Janson").

The applicants have amended independent claims 1, 23 and 24 to clarify aspects of the applicant's invention which are not disclosed by Robinson or Janson. Particularly, taking claim 1 as an example, it is amended to recite that a content provider grants access rights to digital content and that peer devices engage in transactions involving the access rights while offline from the content provider. Taken in conjunction with the existing limitations of claim 1, the amendments clarify that the lost transaction records are for these offline, peer-to-peer transactions and that the verifying of the transactions is performed through a party to each of the transactions other than the party whose transaction records were lost.

The amendments to claim 1 are supported by the applicants' specification. More particularly, the applicants' specification explains at page 4, lines 10-22, that a peer device may purchase access rights from a content provider and may then transfer these access rights to another peer device. These transactions may occur directly between the peer devices without communication to the content provider. As such, the content provider does not have knowledge of the transactions. As explained in the applicants' specification at page 6, lines 15-25, records of the transactions are stored in the peer devices. Occasionally, the transaction records of a peer device may be lost, e.g. due to failure of the device. And, as explained in the applicants' specification at page 7, lines 18-24, when this happens, the transaction records can be restored based on the circumstance that the lost transaction records reflect interactions with other peer devices. At least portions of the lost transaction records can be directly or indirectly verified from information obtained from these other peer devices.

Robinson is directed toward a method and apparatus for creating and using an encrypted receipt for electronic transactions. When two parties, such as a merchant and a customer, engage in an electronic transaction, a digital receipt is created by

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appending an encrypted record of the transaction to a plaintext description of the transaction. The customer may, at a later time, present the digital receipt to the merchant who can then authenticate the transaction by decrypting the transaction record and comparing it to a version previously stored on a database. See abstract of Robinson.

Janson is directed toward maintaining data integrity for smart card transactions. Janson explains that when smart cards are used in connection with card reader terminals, any interruption to the data transfer can result in making the smart card unusable or may result in corrupted data. The solution proposed by Janson is to adapt atomicity to smart cards by which the smart card is guaranteed to be left on one of two states (before and after) a change to its stored contents. See abstract and column 1, lines 49-63, of Janson.

Taken singly or in combination, Robinson and Janson do not suggest or disclose the specific combination of features recited in applicants' amended claim 1. More particularly, Robinson and Janson do not disclose engaging in transactions among peer devices while offline from a content provider. Robinson and Janson also do not disclose engaging in such transactions involving access rights to content granted by a content provider. Robinson and Janson also do not disclose attempting to verify such transactions for a plurality of lost transaction records in which the records are lost by a party to the transactions and the verifying is attempted through the peer device of another party to each of the corresponding transactions. However, all of these limitations are recited by applicants' amended claim 1. For at least these reasons, the applicants respectfully submit claim 1 is allowable over Robinson and Janson. Claims 2-9 are allowable at least because they depend from an allowable base claim 1.

Claims 23 and 24 are amended similarly to claim 1. Particularly, claim 23 is amended to recite that a content provider receives a demand for restoration of lost peer-to-peer transaction records having been lost by a party to the transactions and the transactions involving access rights to content transacted among peer devices while offline from a content provider, the content provider having granted the access rights to the content, and wherein the content provider assigns an accuracy indicator to transactions of the plurality of lost transaction records based on attempts to verify transactions through the peer device of another party to each of the corresponding

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transactions, and determines whether to restore selected ones of the lost transaction records based on the assigned accuracy indicators.

Claim 24 is amended to recite a step of receiving a demand for restoration of lost peer-to-peer transaction records having been lost by a party to the transactions and the transactions involving access rights to content transacted among peer devices while offline from a content provider, the content provider having granted the access rights to the content. Claim 24 also recites attempting to verify transactions for a plurality of lost transaction records through the peer device of another party to each of the corresponding transactions.

Robinson and Janson also do not suggest the specific combination of features recited in applicants' amended claims 23 and 24. More particularly, Robinson and Janson do not suggest receiving a demand for restoration of lost peer-to-peer transaction records having been lost by a party to the transactions and the transactions involving access rights to content transacted among peer devices while offline from a content provider, the content provider having granted the access rights to the content. Robinson and Janson also do not disclose attempting to verify such transactions through the peer device of another party to each of the corresponding transactions. However, these limitations are recited by applicants' amended claims 23 and 24. For at least these reasons, the applicants respectfully submit that claims 23 and 24 are allowable over Robinson and Janson.

New Claims:

New claims 25-28 recite limitations found in original claims 2, 3, 10 and 13. New claims 25-28 are allowable at least because each depends from an allowable base claim 24.

Conclusion:

In view of the above, the applicants submit that all of the pending claims are now allowable. Allowance at an early date would be greatly appreciated. Should any outstanding issues remain, the examiner is encouraged to contact the undersigned at

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(408) 293-9000 so that any such issues can be expeditiously resolved.

Respectfully submitted,

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